

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10401 of 2022

Arun Kumar Sahu

....

Petitioner

Mr. S.K. Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
14.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in G.R. Case No.2152 of 2022, pending in the file of learned Sub-Divisional Judicial Magistrate, Berhampur, arising out of Bada Bazar P.S. Case No.234 of 2022, for alleged commission of offence under Sections 420/272/273/34 of IPC and Section 20 of Cigarettes and other Tobacco Products Act, 2003 read with Sections 51/52/53/56/57/59/63 of Food Safety and Standards Act and is in custody since 10.09.2022.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Berhampur by order dated 18.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.

6. Taking into account the nature of allegations under the special Act and that the petitioner is in custody since 10.09.2022 and considering that there has been no casualty and he is the first offender as stated, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

7. While enlarging the petitioner on bail the learned court below shall verify assertion regarding his criminal proclivity. If it comes to the fore that the petitioner has criminal antecedent of any nature, this order shall stand recalled.

8. Additionally it is directed that the petitioner shall appear before the I.O. once every week on such date and time to be fixed by the learned Court in seisin over the matter till the submission of final form.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi